

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
) Case No. 12 CR 842
v.) Honorable Amy J. St. Eve
)
STEVEN MANDELL)

**DEFENDANT STEVEN MANDELL'S MOTION FOR
JUDGMENT OF ACQUITTAL UNDER RULE 29(a)**

Defendant STEVEN MANDELL hereby moves for judgment of acquittal under Rule 29(a) of the Federal Rules of Criminal Procedure, at the end of the Government's case-in-chief, and in support thereof states as follows:

Rule 29(1) of the Federal Rules of Criminal Procedure states in pertinent part:

Rule 29. Motion for a Judgment of Acquittal

(a) Before Submission to the Jury. After the government closes its evidence or after the close of all the evidence, the court on the defendant's motion must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction. The court may on its own consider whether the evidence is a motion for a judgment of acquittal at the close of the government's evidence the defendant may offer evidence without having reserved the right to do so.

The standard to be applied is, viewing the evidence in the light most favorable to the government, whether or not there is relevant evidence from which a rational trier of fact could find the defendant guilty beyond a reasonable doubt. *United States v. Pearson*, 113 F.3d 758 (7th Cir. 1997).

In support thereof, the Defendant states that even under the aforementioned standard, the government has failed to prove beyond a reasonable the elements of the crimes charged. More specifically, the government has failed to prove that the Defendant intended to commit a kidnapping, to commit extortion, or to commit murder, and further, the government has not proven that he knowingly possessed a firearm or that he obstructed justice.

WHEREFORE, Defendant STEVEN MANDELL respectfully requests that this Court grant a judgment of acquittal, and direct verdict of not guilty in favor of the defendant in Counts One through Eight, inclusive.

Respectfully submitted,

/s/ Robert A. Loeb

/s/ Keith A. Spielfogel
Attorneys for Steven Mandell

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CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2014, I electronically filed the foregoing Motion with the Clerk of the Court using the District's ECF/Pacer system, which will send notification of such filing to all parties.

/s/ Robert Loeb _____

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